

REMARKS

Claims 18-22, 24-25, 27-29, 31 and 34, and 36-37 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent No. 7,058,356 (hereinafter Slotznick). Claims 23, 26, 30, 32, 33, 35, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Slotznick in view of various combinations with six secondary references (Thandiwe, Terho, Salama, Maes, Feyaerts, and Kohzuki). Reconsideration of the rejections and allowance of all the pending claims is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-17 were previously cancelled. Claims 29-30, and 36-37 are presently cancelled. New claim 38 has been added. Thus, claims 18-28, 31-35 and 38 remain pending.

Claim 18 is directed to a user-side device arrangement for a data transfer service. As amended, claim 18 in part recites a first computer configured to process one or more application programs that subject a first processor to a variable processing load. Claim 18 further recites a second computer that includes a transmitting/receiving unit which receives data over a data transmission network and/or transmits data into the data transmission network. The data transmission network operates according to an internet protocol, and the data comprises voice data and/or video data. A quality indication of the voice data and/or video data is substantially determined by the second computer and is substantially independent of the variable processing load to which the first processor is subjected to when processing the one or more application programs. Basis for the foregoing amendments may be found at least in paragraphs 19 and 22 of the U.S. patent application publication of the present invention. It is respectfully submitted that neither Slotznick, Thandiwe, Terho, Salama, Maes, Feyaerts, nor Kohzuki, singly or in combination, describe or suggest the foregoing structural and/or operational relationships of the claimed invention. Consequently, the claimed invention, as set forth in claim 18 (and claims depending therefrom), is not anticipated or rendered obvious by the applied art and the rejections should be withdrawn.

New claim 38 is directed to a method for arranging a first computer and a second computer in a user-side device for a data transfer service. It is respectfully submitted that the structural and/or operational relationships set forth in claim 38 are neither described nor suggested by the prior art of record. Therefore, allowance of this claim is also solicited.


Conclusion

It is respectfully submitted that each of the claims pending in this application recite patentable subject matter, and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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